

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

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*Subchapter 8/85*

SUBCHAPTER 8

PERMITS AND CERTIFICATES

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7:27-8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Air contaminant" means solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Air stripping equipment" means equipment used to transfer volatile organic substances from water into the atmosphere, including, but not limited to, packed columns and water spray equipment.

"Alteration" means any change made to equipment or control apparatus or the use thereof, or in a process; including but not limited to any physical change, change in material being processed or a change in the rate of production except where such a production rate change does not increase the quantity of air contaminant emitted or does not change the quality or nature of the air contaminant emitted. This term shall include replacement of the equipment or control apparatus if the replacement is not equivalent for the purpose of air pollution control to that which is being replaced or does not continue to represent advances in the art of air pollution control developed for the kind and amount of air contaminant emitted.

"Amendment" means any revision to a permit or operating certificate which does not reflect a change in the quality, nature, or quantity of emissions to the outdoor atmosphere or a change in the effect of the emissions on ambient air quality. The term shall not include alteration. The term shall include replacement of the equipment or the control apparatus if the replacement is equivalent for the purposes of air pollution control to that which is being replaced and continues to represent advances in the art of air pollution control developed for the kind and amount of air contaminant emitted. A revision to a permit or operating certificate for the sole purpose of registering a change in the contents of a storage tank, which change does not require any physical or mechanical alteration of the equipment or additional air pollution control requirements, shall be considered an amendment.

"Banking" means reserving approved emission reductions for future use as emission offsets.

"Certificate" means either an operating certificate or a temporary operating certificate.

"Commercial fuel" means solid, liquid, or gaseous fuel normally produced or manufactured, and sold for the purpose of creating useful heat.

"Control apparatus" means any device which prevents or controls the emission of any air contaminant.

"Conveyorized surface cleaner" means a surface cleaner through which the parts to be cleaned are moved by means of a continuous, automatic system.

"Department" means the New Jersey Department of Environmental Protection.

"Distillates of air" means helium (He), nitrogen ( $N_2$ ), oxygen ( $O_2$ ), neon (Ne), argon (Ar), krypton (Kr), xenon (Xe), and carbon dioxide ( $CO_2$ ).

"Domestic treatment works" means a publicly or privately owned treatment works and shall include a treatment works processing domestic wastes together with any ground water, surface water, storm water or industrial process wastewater that may be present.

"Dump" means a land site at which solid waste is disposed of in a manner which does not protect the environment, is susceptible to open burning, or is exposed to the elements, vectors and scavengers.

"Equipment" means any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent, or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

"Incinerator" means any device, apparatus, equipment, or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap, or a facility for cremating human or animal remains.

"Indirect emissions" means a discharge of air contaminants through openings not necessarily designed for that purpose, including but not limited to doors, windows, exhaust fans, ventilators, and roof monitors.

"Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"Manufacturing process" means any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers or absorbers.

"Mathematical combination" means the summation of the emissions from two or more stacks or chimneys and the regulation of those emissions as if they came from the same sources venting through a single stack.

"Non-commercial fuel" means solid, liquid or gaseous fuel not normally produced or manufactured, and sold for the purpose of creating useful heat.

"Operating certificate" means a "Certificate to Operate Control Apparatus or Equipment" issued by the Department pursuant to Section 13 of the Air Pollution Control Act of 1954, as amended, P.L. 1967, c. 106 (N.J.S.A. 26:2C-9.2), which is valid for a period of 5 years from the date of issuance, unless sooner revoked by the Department.

"Particles" means any material, except uncombined water, which exists as liquid particles or solid particles at standard conditions.

"Permit" means a "Permit to Construct, Install or Alter Control Apparatus or Equipment" issued by the Department pursuant to Section 13 of the Air Pollution Control Act of 1954, as amended, of P.L. 1967, c. 106 (N.J.S.A. 26:2C-9.2).

"Person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies, as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

"Prevention of significant deterioration" or PSD means a permitting process as defined in Title 40, Part 52 of the Code of Federal Regulations which is applicable to new or modified major emitting sources locating in areas attaining the national ambient air quality standards for at least one air contaminant.

"Publicly owned treatment works" (POTW) means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality". This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

"Solid particles" means particles of rigid shape and definite volume.

"Solid waste facility" means any system, site, equipment or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovering or disposal of solid waste.

"Source operation" means any manufacturing process or any identifiable part thereof emitting an air contaminant into the outdoor atmosphere.

"Stack or chimney" means a flue, conduit or opening designed, constructed, and/or utilized for the purpose of emitting air contaminants into the outdoor atmosphere.

"Standard conditions" means 70°F and one atmosphere pressure (14.7 psia or 760 mm Hg).

"Storage tank" means any tank, reservoir, or vessel which is a container for liquids or gases, wherein no manufacturing process, or part thereof, other than filling or emptying takes place.

"Surface cleaner" means a device to remove unwanted foreign matter from the surfaces of non-porous or non-absorbent materials by using VOS in the liquid or vapor state.

"Temporary operating certificate" means a "Certificate to Operate Control Apparatus or Equipment" issued by the Department pursuant to Section 13 of the Air Pollution Control Act of 1954, as amended, of P.L. 1967, c. 106 (N.J.S.A. 26:2C-9.2), which is valid for a period not to exceed 90 days.

"Volatile Organic Substances," or VOS, means any organic substances, mixture of organic substances, or mixture of organic and inorganic substances including, but not limited to, petroleum crudes, petroleum fractions, petrochemicals, solvents, diluents, and thinners which have vapor pressures or sums of partial pressures of organic substances of 0.02 pounds per square inch (1 millimeter of mercury) absolute or greater measured at standard conditions; and, in the case of surface coating formulations, includes any coalescing or other agent, regardless of vapor pressure, which evaporates from the coating during the drying phase; but does not include methane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, 1, 1, 2 trichloro - 1, 2, 2 trifluoroethane, 1, 2 dichloro-1, 1, 2, 2 tetrafluoroethane, and chloropentafluoroethane.

7:27-8.2 Permits and certificates required

(a) New or altered control apparatus and equipment for which a permit and an operating certificate are required, pursuant to the provisions of N.J.A.C. 7:27-8.3, include:

1. All control apparatus;
2. Equipment used in a manufacturing process involving surface coating including, but not limited to, spray and dip painting, roller coating, electrostatic depositing or spray cleaning, from which direct or indirect emissions of air contaminants occur and in which the quantity of material used in any source operation is equal to or greater than one gallon in any one hour;
3. All unheated open top surface cleaners having a top opening of greater than six square feet (0.56 square meters);
4. All heated open top surface cleaners;
5. All conveyORIZED surface cleaners;
6. Equipment, in addition to that set forth in (a)3, (a)4, and (a)5 above, used in a manufacturing process involving surface cleaning or preparation including but not limited to, degreasing, etching, pickling, or plating, from which direct or indirect emissions of air contaminants occur from a tank or vessel, the capacity of which is in excess of 100 gallons;
7. Equipment, used in a manufacturing process, other than as set forth in (a)2, (a)3, (a)4, (a)5, and (a)6 above, from which direct or indirect emissions of air contaminants occur and in which the combined weight of all materials, excluding air and water, introduced into any one source operation is in excess of 50 pounds in any one hour;

8. Stationary storage tanks which have a capacity in excess of 10,000 gallons and which are used for the storage of liquids, except water or distillates of air. A storage tank maintained under a pressure greater than one atmosphere is exempt from the provisions of N.J.A.C. 7:27-8 provided that any vent serving such storage tank has the sole function of relieving pressure under emergency conditions;
9. Stationary storage tanks which have a capacity of 2000 gallons or greater and which are used for the storage of volatile organic substances. A storage tank maintained under a pressure greater than one atmosphere is exempt from the provisions of N.J.A.C. 7:27-8 provided that any vent serving such storage tank has the sole function of relieving pressure under emergency conditions;
10. Tanks, reservoirs, containers and bins which have a capacity in excess of 2,000 cubic feet and which are used for the storage of solid particles;
11. Stationary material handling equipment using pneumatic, bucket or belt conveying systems from which direct or indirect emissions of air contaminants occur;
12. Commercial fuel burning equipment having a heat input rate of 1,000,000 BTU per hour or greater to the burning chamber;
13. Any equipment used for the burning of noncommercial fuel, crude oil or process by-products in any form;
14. Any incinerator, except incinerators constructed, installed or used in one or two-family dwellings or in multi-occupied dwellings containing six or less family units, one of which is owner occupied.
15. Waste or water treatment equipment which emits air contaminants, including, but not limited to, air stripping equipment, aeration basins, and lagoons. An air pollution control permit is not required for:
  - i. Any water treatment equipment if the concentration of each toxic volatile organic substance included in N.J.A.C. 7:27-17 does not exceed 100 parts per billion by weight and the total concentration of VOS does not exceed 3,500 parts per billion by weight; or
  - ii. Potable water treatment equipment, except air stripping equipment with a capacity greater than 100,000 gallons per day; or
  - iii. Aeration basins and lagoons at publicly owned treatment works; or
  - iv. Aeration basins and lagoons at domestic treatment works.

16. Equipment used for the purpose of venting a closed or operating dump or solid waste facility directly or indirectly into the outdoor atmosphere.

7:27-8.3 - General provisions

- (a) No person shall construct, install or alter any equipment or control apparatus without first having obtained a permit. Such permit may be cancelled if construction, installation or alteration is not begun within one year from the date of issuance.
- (b) No person shall use or cause to be used any new or altered equipment or control apparatus without first having obtained a certificate. In order to insure timely renewal of an operating certificate, an application for renewal of an operating certificate shall be made to the Department not less than 90 days prior to the expiration date of the operating certificate.
- (c) Upon request of the Department, the applicant for a permit shall demonstrate by air quality simulation modeling acceptable to the Department that the maximum controlled emissions stated on the permit application will not cause a violation of any ambient air quality standard as defined in N.J.A.C. 7:27-13, prevention of significant deterioration increment as defined in Title 40, Part 52 of the Code of Federal Regulations, or other criteria established by the Department to protect the public health and welfare from air pollution.
- (d) Any person in possession of a permit or certificate shall make said permit and certificate readily available for inspection on the operating premises.
- (e) No person shall use or cause to be used any equipment or control apparatus unless:
  - 1. All conditions and provisions of the permit and certificate are fulfilled; and
  - 2. All components connected or attached to, or serving the equipment and/or control apparatus are functioning properly and are in use in accordance with the permit and certificate.
- (f) A permit or certificate shall not be transferable either from one location to another or from one piece of control apparatus or equipment to another. A transfer of a permit and certificate from one person to another is permissible provided a request for such transfer is made to the Department within 90 days of a change in ownership.

- (g) The possession of a permit or certificate does not relieve any person from the obligation to comply with all other provisions of N.J.A.C. 7:27.
- (h) Permits and certificates issued under N.J.A.C. 7:27-8 are based on emissions of air contaminants only and do not in any way relieve the applicant from the obligation to obtain necessary permits from other governmental agencies.
- (i) The provisions of (a) and (b) above shall not apply to structural changes, repairs or maintenance to control apparatus or equipment, if such changes, repairs or maintenance will not change the quality, nature or quantity of the air contaminants emitted.

7:27-8.4 Applications for permits and certificates

- (a) Applications for a permit or a certificate shall be made to the Department on forms provided by the Department.
- (b) The Department may require such details regarding the equipment or control apparatus as it considers necessary to determine that the equipment or control apparatus is designed to operate without causing a violation of any provisions of relevant state or federal laws or regulations and that the equipment or control apparatus incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment. Such information may include description of processes, raw materials used, operating procedures, physical and chemical nature of air contaminants, volume of gas discharged, and such other information as the Department considers necessary. All such information shall be public except that which is designated confidential in accordance with N.J.S.A. 26:2C-9.2.
- (c) Before an operating certificate or any renewal thereof is issued, the Department may require the applicant to conduct such tests as are necessary at the discretion of the Department to determine the kind and amount of air contaminants emitted from the equipment or control apparatus. Such tests shall be conducted in a manner approved by the Department and shall be made at the expense of the applicant. The applicant shall give the Department no less than 48 hours advance notice of the time of the start of the test. The test results shall be reviewed and certified by a New Jersey licensed Professional Engineer, or by an industrial hygienist who has been certified by the American Board of Industrial Hygiene.
- (d) Any person applying for a certificate or a renewal thereof, or to whom such certificate has been issued shall, when requested by the Department, provide such sampling facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the kind and amount of air contaminants emitted from the equipment or



control apparatus. During such testing by the Department, the equipment and control apparatus shall be operated under such conditions within their capacities as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

7:27-8.5 Denials and Conditional Approvals

- (a) The Department shall deny an application for a permit or certificate if construction or operation of control apparatus or equipment pursuant to the application would result in a violation of any provision of N.J.A.C. 7:27 or an exceedance of:
  - 1. Any ambient air quality standard established in N.J.A.C. 7:27-13; or
  - 2. Any national ambient air quality standard established in Title 40, Part 50 of the Code of Federal Regulations; or
  - 3. Any applicable prevention of significant deterioration increment as defined in Title 40, Part 52 of the Code of Federal Regulations; or
  - 4. Other criteria established by the Department to protect the public health and welfare from air pollution.
- (b) The Department shall deny an application for a permit unless the applicant shows, to the satisfaction of the Department, that the equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment.
- (c) The Department may include, as a condition of approval of an application for a certificate, the requirement that an applicant perform any of the following:
  - 1. Conduct periodic sampling and analysis of fuels or other feed material to equipment;
  - 2. Provide instrumentation and sensing devices to determine the kind and amount of air contaminants emitted;
  - 3. Provide instrumentation and sensing devices to demonstrate that operating parameters affecting air contaminant emissions are maintained within limits specified by the Department; and
  - 4. Submit reports of such analysis and monitoring results in accordance with a format and schedule approved by the Department.

7:27-8.6 Service Fees

- (a) Any person subject to the provisions of N.J.A.C. 7:27-8 shall submit with each application for a permit, a certificate, an amendment, a mathematical combination, or banking, as an integral part thereof, a non-refundable service fee in accordance with the following schedule:

SERVICE FEE SCHEDULE

ACTIVITY	BASIS	AMOUNT
Base Fee	Per New or Altered Source Operation	\$ 250
Amendments	Per Permit	50
Renewals	Per Operating Certificate	75
Banking		
Application	Per Source Operation	100
Verification	Per Source Operation	100
Use	Per Source Operation	100
Prevention of Significant Deterioration	Per Application	500
Mathematical	Per Application	500
Combination	Per Source Operation	250
(Bubble)		
Modeling Analysis	Per Evaluation	500
Evaluation		

- (b) An additional service fee will not be assessed solely for the failure by the applicant to submit a complete application, pursuant to N.J.A.C. 7:27-8, provided that the applicant, within ninety (90) days of the written request from the Department, submits, in writing, the requested supplementary information to the Department.